THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 16617 of 2005

DATED:05-09-2005

Between:

Kantipudi Suryanarayana,

S/o. Late Venkata Narayudu,

Aged about 42 years,

Occ: Cultivation, R/o. Teeparru Village,

Peravali Mandal, West Godavari District ….Petitioner

AND

1. The Regional Joint Commission,

Multi Zone-1, A.P. Hindu Religious,

Charitable & Endowments Department,

Kakinada, West Godavari District

and two others. …Respondents

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 16617 of 2005

ORDER:

Heard the learned Counsel for the petitioner as well as the learned Government Pleader for Endowments.

The order of the Regional Joint Commission, Multi Zone-1, A.P. Hindu Religious, Charitable & Endowments Department, Kakinada, West Godavari District in Appeal No.36 of 2005 dated 13-07-2005 is under challenge. That appeal is filed against the orders of the Assistant Commissioner, Endowments, Eluru in Rc. No.A1/4513/2003, dated 15-2-2005.

The only grievance of the petitioner is that no opportunity was given to him by the 1st respondent-Regional Joint Commission and the 2nd respondent-the Assistant Commissioner and thus, they violated the principles of natural justice.

On the other hand, the learned Government Pleader appearing for the respondents contended that an opportunity was given to the petitioner to represent his case through an advocate. But the petitioner failed to establish his case before the appellate authority.

As seen from the order of the appellate authority, the findings are solely based upon the finding given by the 2nd respondent-Assistant Commissioner, Endowments Department. As seen from the order of the 2nd respondent-Assistant Commissioner, there was no indication as to the opportunity that has been given to the petitioner to adduce evidence. In the order of first instance, it is stated that the petitioner called absent and failed to produce any documentary evidence. But the learned Counsel for the petitioner stated that before passing the impugned order, the petitioner was not given any notice. It shows that the 2nd respondent- Assistant Commissioner has passed the order without giving any opportunity to the petitioner.

Therefore, the order of the appellate authority as well as the Assistant Commissioner's order are liable to be set aside.

Accordingly, the writ petition is allowed and the matter is remanded to the 2nd respondent-Assistant Commissioner, Endowments Department, Eluru, for disposal, in accordance with law, after affording an opportunity to the petitioner to put forth his case. No order as to costs.

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K.C.BHANU, J.

DATED: 05-09-2005

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